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Technology Center 2100

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In re Application of: YAGAWA
Application No. 10/806,998
Filed: March 24, 2004
For: DISTRIBUTED DATA MANAGEMENT
SYSTEM

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed 01 August 2005 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (a) Submits a petition to make special accompanied by the fee set forth in **37 CFR 1.17(h)**;
- (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;
- (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, **applicant will be notified and the defects in the request will be stated.** The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center (TC) Special Program Examiner.

The petition filed 01 August 2005 fails to adequately meet requirement (e) of the criteria set forth above. The discussion of the references does not point out with the particularity required by 37 CFR 1.111(b) and (c) how the claimed subject matter is patentable over the references. The statements for independent claims 12, 20, 24, and 27 state that essentially the entirety of each claim is not taught by any of the references deemed most closely related. Such a statement is not a sufficient detailed description. The statements for independent claims 1 and 18 in effect state that essentially the entirety of each claim is not taught. Again, this is not a sufficient detailed description. The statement for independent claim 1 recites essentially all of the limitations of claim 1 except for the limitation that the data object is copied to the second storage system depending on content-based information associated with the data object. While this limitation is not expressly recited, it is implicit in the statements since the profile information is based on the content of the data object and the copying is based at least in part on the profile information. The statement for claim 18 indicates that the copying is based at least in part on the profile information but fails to expressly recite the limitations that the profile information is based on the content of the data object and that the data object is copied to the second storage system depending on content-based information associated with the data object. Again, however, the limitations not expressly recited are implicit in the statement. Claim 18 indicates that the profile information is based on the content of the data object and that the data object is copied based at least in part on the profile information. Thus, the data object is copied depending on content-based information associated with the data object.

Additionally, it is suggested that if the identical statement is being made to distinguish each reference from an independent claim, as in the instant petition, then the statement should simply be made once in the petition. (E.g., "Regarding independent claim 1, none of the references disclose")

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.



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